

§ 350.5 Miscellaneous.

(a) The Board may not be required to vary its normal disbursement cycles in order to comply with legal process. However, legal process which is received too late to be honored during the disbursement cycle in which it is received may be honored to the extent that the legal process may, in compliance with this part, be satisfied from the next payment due to the obligor.

(b) Except as provided in these regulations, the Board may not be required in connection with proceedings under this part to forward documents which have been sent to the Board, to an individual, whether or not he is entitled to benefits paid by the Board, or to disclose information other than that relating to the type, amount (whether actual or estimated), and dates of payment of benefits paid by the Board to that individual.

(c) Neither the Board nor any of its employees shall be liable with respect to any payment made to any individual from moneys due from or payable by the Board pursuant to legal process regular on its face, if such payment is made in accordance with this part.

(d) No employee of the Board whose duties include responding to legal process pursuant to requirements contained in this part shall be subject under any law to any disciplinary action or civil or criminal liability or penalty for, or on account of, any disclosure of information made by such employee in connection with the performance of the employee's duties in responding to any such process.

(e) For purposes of a proceeding under this part, the Board will apply the law of the state in which the legal process is issued unless it comes to the attention of the Board that the state of issuance has no contact with the plaintiff or defendant in the action; in which case, the Board may, in its sole discretion, apply the law of any state with significant interest in the matter.

(f) No acknowledgement or response will be made to legal process which does not contain the mailing address to which acknowledgement may be made. No response to any legal process will be notarized or verified.

[45 FR 28314, Apr. 29, 1980, as amended at 50 FR 12242, Mar. 28, 1985]

SUBCHAPTER E—ADMINISTRATIVE REMEDIES FOR FRAUDULENT CLAIMS OR STATEMENTS

PART 355—REGULATIONS UNDER THE PROGRAM FRAUD CIVIL REMEDIES ACT OF 1986

AUTHORITY: 31 U.S.C. 3809.

SOURCE: 52 FR 47706, Dec. 16, 1987, unless otherwise noted.

Sec.

- 355.1 Basis and purpose.
- 355.2 Definitions.
- 355.3 Basis for civil penalties and assessments.
- 355.4 Investigation.
- 355.5 Review by the reviewing official.
- 355.6 Prerequisites for issuing a complaint.
- 355.7 Complaint.
- 355.8 Service of complaint.
- 355.9 Answer.
- 355.10 Default upon failure to file and answer.
- 355.11 Referral of complaint and answer to the ALJ.
- 355.12 Notice of hearing.
- 355.13 Parties to the hearing.
- 355.14 Separation of functions.
- 355.15 Ex parte contracts.
- 355.16 Disqualification of reviewing official or ALJ.
- 355.17 Rights of parties.
- 355.18 Authority of the ALJ.
- 355.19 Prehearing conferences.
- 355.20 Disclosure of documents.
- 355.21 Discovery.
- 355.22 Exchange of witness lists, statements, and exhibits.
- 355.23 Subpoenas for attendance at hearing.
- 355.24 Protective order.
- 355.25 Fees.
- 355.26 Form, filing and service of papers.
- 355.27 Computation of time.
- 355.28 Motions.
- 355.29 Sanctions.
- 355.30 The hearing and burden of proof.
- 355.31 Determining the amount of penalties and assessments.
- 355.32 Location of hearing.
- 355.33 Witnesses.
- 355.34 Evidence.
- 355.35 The record.
- 355.36 Post-hearing briefs.
- 355.37 Initial decision.
- 355.38 Reconsideration of initial decision.
- 355.39 Appeal to authority head.
- 355.40 Stays ordered by the Department of Justice.
- 355.41 Stay pending appeal.
- 355.42 Judicial review.
- 355.43 Collection of civil penalties and assessments.
- 355.44 Right to administrative offset.
- 355.45 Deposit in Treasury of United States.
- 355.46 Compromise or settlement.
- 355.47 Limitations.

§ 355.1 Basis and purpose.

(a) *Basis.* This part implements the Program Fraud Civil Remedies Act of 1986, Pub. L. 99-509, 6101-6104, 100 Stat. 1874 (Oct. 21, 1986), to be codified at 31 U.S.C. 3801-3812. 31 U.S.C. 3809 of the statute requires each authority head to promulgate regulations necessary to implement the provisions of the statute.

(b) *Purpose.* This part—

(1) Establishes administrative procedures for imposing civil penalties and assessments against persons who make, submit, or present, or cause to be made, submitted, or presented, false, fictitious, or fraudulent claims or written statements to authorities or to their agents, and

(2) Specifies the hearing and appeal rights of persons subject to allegations of liability for such penalties and assessments.

§ 355.2 Definitions.

ALJ means an Administrative Law Judge detailed to the authority pursuant to 5 U.S.C. 3344.

Authority means Railroad Retirement Board.

Authority head means the three-member Railroad Retirement Board.

Benefits means, except as the context otherwise requires, anything of value, including but not limited to any advantage, preference, privilege, license, permit, favorable decision, ruling, status, or loan guarantee.

Board means Railroad Retirement Board.

Claim means any request, demand, or submission—

(a) Made to the authority for property, services, or money (including money representing grants, loans, insurance, or benefits);

(b) Made to a recipient of property, services, or money from the authority or to a party to a contract with the authority—